

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This document relates to: All Actions

**ORDER SETTING CASE
MANAGEMENT
CONFERENCE**

HILDY BOWBEER, United States Magistrate Judge

The undersigned will convene a case management conference in this matter by ZOOMGOV video technology on **January 31, 2022, at 1:00 p.m. CT**. The Court will circulate ZOOMGOV access information to counsel a few days before the conference.

As the Court advised counsel in attendance at the hearing conducted on December 17, 2021, it intends to issue a Pretrial Scheduling Order for the direct action cases prior to the case management conference, resolving any disputes based on the parties' December 10, 2021, joint report [ECF No. 1046]. If a party or group of parties believes resolution of a particular dispute or disputes identified in the joint report should await further discussion at the January 31, 2022, case management conference, they must file a letter to that effect **no later than December 23, 2021**, identifying the dispute or disputes and briefly explaining why they believe resolution can and should wait until the upcoming case management conference.

In preparation for the case management conference, counsel for the parties must meet and confer about the issues to be discussed and must file on CM/ECF, on the due date set forth below, a joint agenda that must (1) briefly describe and prioritize the

matters to be discussed, (2) identify the attorneys who will attend the conference for each party or group of parties, and (3) specify which of those attorneys are expected to speak to which agenda items or issues on behalf of which party or group of parties.

Counsel must notify the Court **by 10:00 a.m. Central time** the morning of the conference of any changes or additions in attendance or anticipated speaking roles from those identified in the joint agenda. Any counsel who do not notify the Court by that time of their intention to attend the conference may not have their appearance noted. Counsel who may be speaking (other than to identify themselves) must attend by video; others who wish their appearances noted but will not be speaking may attend by video or audio.

Absent extraordinary circumstances, the Court will not entertain matters at the case management conference about which the parties have not met and conferred in advance and included on the agenda. The Court expects the parties to be transparent with each other in preparation for the conference. Sandbagging and ambushing will not be tolerated.

Each party or group of parties must also file an update letter that tracks the agenda and describe progress made in discovery and other case activities, and that briefly apprises the Court of that party or group's position or perspective on any agenda items as to which there may be a dispute but which are not yet ripe for submission to the Court through motion practice or the IDR process. Groups are encouraged to collaborate with each other where possible on their update letters to avoid duplication, perhaps through the submission of a joint letter that addresses matters as to which they

have a common perspective, with separate sections or shorter, supplemental letters to cover updates or positions that are specific to a particular party or group of parties.

The conference does not relieve counsel of the obligation to meet and confer in good faith to resolve or narrow disputes without the need for the Court's assistance.

In future case management conferences, the Court may also hear disputes that the parties agree to submit through the IDR process,¹ but because of other scheduling considerations the Court will not entertain IDR submissions at this particular conference. If there are ripe disputes that the parties have agreed to submit through the IDR process, they should identify those on the agenda and in their update letters, and discuss with the Court at the case management conference the timing of a separate IDR conference call or calls to address them.

The following deadlines will govern submissions for this conference:

Joint agenda due: **January 17, 2022, by 5:00 p.m. CT**

Update letters due: **January 24, 2022, by 12:00 p.m. CT**

Dated: December 20, 2021

/s Hildy Bowbeer

HILDY BOWBEER
United States Magistrate Judge

¹ The Court's IDR process is described in the original Pretrial Scheduling Order [ECF No. 658 at 11-14.]